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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

LEWIS E. GRAHAM II and  
FLOWWORKS, INC.,

Defendants.

2:09-CV-250 JCM (LRL)

**ORDER**

Presently before the court is plaintiff Securities and Exchange Commission's (hereinafter "S.E.C.") motion to strike pleadings and enter default against defendant Flowworks, Inc. and Linworth, LLC. (Doc. ## 33, 34). To date no opposition has been filed.

Federal Rule of Civil Procedure 16(f) provides that certain sanctions are available under Fed. R. Civ. P. 37(b)(2)(A), when a party fails to comply with a pre-trial order. Under Federal Rule of Civil Procedure 37(b)(2)(A), a court may strike a party's pleadings in whole or in part and enter default judgment against the party who has failed to comply.

Defendants Flowworks, Inc. and Linworth, LLC failed to comply with this court's order requiring defendants to obtain new counsel by April 9, 2010. (Doc. # 27). Defendants have been previously advised by Magistrate Judge Leavitt that the law does not allow a corporation to appear in federal court unless it is represented by licensed counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993).

1 Default against a corporation, or dismissal of its claims, is a permissible sanction for its  
2 failure to comply with the requirement that it be represented by counsel. *United States v. High*  
3 *Country Broadcasting Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993). *See also Employee Painters' Trust*  
4 *v. Ethan Enterprises, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007); *In re America West Airlines*, 40 F.3d  
5 1058, 1059 (9th Cir. 1994); *Salman v. Newell*, 110 Nev. 1333 (1994).

6 Having failed to obtain new counsel, this court finds it appropriate to strike defendants  
7 Flowworks, Inc. and Linworth, LLC's pleadings and enter default in accordance with Federal Rules  
8 of Civil Procedure 16(f), 37(b)(2)(A), and 55(a).

9 Accordingly,

10 IT IS HEREBY ORDERED ADJUDGED AND DECREED that plaintiff's motions to strike  
11 (doc. ## 33, 34) are hereby GRANTED. The clerk of the court shall strike defendants Flowworks, Inc.  
12 and Linworth's pleadings and enter default against both defendants.

13 DATED this 15<sup>th</sup> day of July, 2010.

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16 UNITED STATES DISTRICT JUDGE